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Principles of Gender Regulation as Priorities for Sustainable Development of Political Parties in Sovereign Kyrgyzstan

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Abstract

In this article, authors refer to the concept of men and women rights equality characterize this legal principle, consider the features of its legal consolidation. The main attention is focused on the men and women rights equality and freedoms, features of legal protection, as well as on the possibilities of exercising these rights and freedoms in the regions

of the sovereign Kyrgyz Republic. The main theses are given about the equal legal status of women and men and equal opportunities for its implementation, allowing people, regardless of gender to freely use their abilities to participate in political, economic, labor, social, public and cultural spheres of life. An analysis of constitutional legal acts in the Kyrgyz government is presented in order to identify norms that enshrine the principle of men and women rights equality and freedoms in all regions of republic. The authors give some examples of violation of gender principles prescribed in the Constitution of the Kyrgyz Republic. In the context of constitutional and legal research, the chronological division is productive, connected precisely with the display of main provisions on gender equality in the constituent acts of Kyrgyzstan. This paper attempts to conduct a functional analysis of national institutional mechanism for implementation of gender policy. Implementation of these principles within the framework of the document will help to solve contemporary problems in the field of gender equality in the country. The most important of these problems is the discrepancy between the country obligations, enshrined in the National Plan and programs, and their implementation.

Key words

Gender equality, principle, government, politics, society, sovereignty, law, freedom

I. Introduction

The principle of equality implies that all members of society are placed in the same conditions, which is an essential feature of a fair social order. In our study, we made an attempt to cover the key areas of life in modern Kyrgyz society, in which men and women exercise their rights: political, socio-economic and cultural, but not beyond the constitutional and legal status of a person. The article includes information about the position of women in the Kyrgyz modern society, their rights to political activity, as well as the achievements of women in the political field. We will also talk about activities of some organizations and foundations that ensure the protection of gender rights.

In recent years, research in the field of gender equality has become relevant. It is equality that is the most important principle of interaction and relationships between people, while acting as one of the main social and legal regulators of social relations. Gender equality reflects the degree of equal importance of their subjects for society and government, the availability of equal rights, freedoms and obligations for citizens, as well as opportunities for their implementation. To implement these principles, we need to anticipate the changes that are taking place in society, clearly identify opportunities for achieving equality.

In the Kyrgyz society, there has long been an opinion that "a woman's place is at home." But today, modern women of Kyrgyzstan prove the opposite. Most of them are highly educated, self-confident workers. Of course, women should work in politics and in the higher authorities. We believe that social problems will not arise if women work, occupying high positions in civil services and in politics. Now the Kyrgyz society is weak in terms of support for women. Society will change if it supports women. Moreover, the national and international obligations of Kyrgyz Republic Government, recommendations of the United Nations require removal of legal, social and economic obstacles for expansion of women's rights.

The purpose of this study is to identify and analyze the constitutional and legal principle of equality of women and men, highlight and justify specifics of government body activities of sovereign Kyrgyzstan to protect the women and men equality rights in various fields.

2 Materials and Methods

The object of this study is public relations, the process of implementing the constitutional principle of rights equality and freedom regardless of gender in Kyrgyzstan. The subject of study is the content of legislative regulation of gender equality constitutional principle, and the obligations of the Kyrgyz Republic government authorities to ensure and protect it. The research is based on normative documents of the Kyrgyz Republic Constitution, other normative legal acts, and resolutions, etc. To achieve the study goal, historical, comparative-legal, statistical, sociological, formal-logical methods, as well as the method of legal forecasting were used.

3 Results and Discussion

It is generally accepted that gender equality is the equal legal status of people, regardless of their gender, the same opportunities for its implementation, that is, the opportunity for women and men to freely use their abilities to participate in political, economic, labor, social, cultural spheres of life. The principles of gender equality are an important factor in the Sustainable Development Goals in sovereign Kyrgyzstan until 2030 year. This is evidenced by one of the 17 Goals "Ensure gender equality and empower all women and girls." At present, the achievement of these goals is relevant in all countries of the world.

A functional analysis of the national institutional mechanism for implementation of gender policy, conducted in Kyrgyzstan in 2009, showed that in order to increase efficiency, it is necessary to revise the approaches and methodology in the development of strategic documents to achieve gender equality. As a result of this analysis, a strategy was developed based on the provided recommendations on the following principles:

- Results-oriented management;
- An integrated gender approach;
- Clarification of goals and possibility of their timely implementation (Kyrgyz Republic Ministry of Justice, 2012a).

Parties are considered as one of the most important subjects of political relations as they are product of the socio-political and socio-economic development in each specific country (Asanbekova et al., 2021). National Parliament of the Kyrgyz Republic adopted two laws on gender: the Law on Government Guarantees of Gender Equality (2003, 2008), the Law on Social and Legal Protection from Domestic Violence (2017). Since 1997, four national action plans for gender equality have been implemented. The National Action Plan for Early Marriage was adopted in December 2017. Gender expertise of legislation was institutionalized by the Kyrgyz Republic Parliament in 2008 (Kyrgyz Republic Ministry of Justice, 2008). Recognition of equal rights and opportunities for men and women in the Kyrgyz Republic Constitution in 2007 and in 2010 indicated in a number of laws regulating activities of government institutions, such as the Accounts Chamber, the Supreme Court, the National Bank and the Central Election Commission included in the gender quota (Kyrgyz Republic Ministry of Justice, 2003). Gender quotas are included in the Electoral Code in 2007 and in 2011. The National Strategy of the

Kyrgyz Republic to achieve gender equality until 2030 was adopted (Kyrgyz Republic Ministry of Justice, 2012b).

Undoubtedly, the processes of democratization have allowed sovereign Kyrgyzstan to move forward in terms of normative and legal provision of gender equality, however, the actual implementation of commitments remains as problematic.

But despite some progress in creating a legal and political framework for promoting gender equality in the Kyrgyz Republic, inequality is still widespread. Patriarchal attitudes still play an important role, gender inequality is present in all areas of social and economic life, and violence against women is still widespread. In some countries, girls do not have access to good nutrition and health care. Most of them cannot continue their education and further they join the ranks of 103 million young people without basic education. Gender equality in primary education has not yet been achieved by a third of developing countries. Without primary education, women are excluded from having access to vocational training and the labor market.

In many ways, today this has led to a decrease in the economic activity of women, it is clear that they were removed from the sphere of management, dependence of women in family relations has increased, new cultural norms and stereotypes have appeared that restrict the women rights in polygamy, bride kidnapping, early marriage, in some cases limited girls' access to education (Kyrgyz Republic Ministry of Justice, 2017; Kyrgyz Republic Ministry of Justice, 2021).

The central problem is cases of forced marriage of underage girls, including the custom of bride kidnapping, which can be called as national tragedy. Girls are most often the victims of child marriage. Every day, 37000 girls under the age of 18 are married off against their will. This is almost 15 million girls a year. In Uzbekistan, Kazakhstan, Chechnya, Ingushetia, the Caucasus, Rwanda, Ethiopia, etc. girls are kidnapped and forced into marriage, and Kyrgyzstan is in the forefront. According to studies, 80 percent of families are built this way. Abductions have become a tradition among the people. This leads to discrimination against girls, to a lack of confidence in their ability to make decisions.

The mass media of Kyrgyzstan has repeatedly covered cases of violence against women and girls, including in connection with the "abduction". At the same time, 62% of victims of violence do not contact law enforcement agencies because they do not trust them. Despite the fact that Article 172 of the Criminal Code of the Kyrgyz Republic provides for liability for the above actions, these cases were repeated. According to statistics, 13% of girls get married before reaching the age of 18.

Table 1. Percentage of underage girls below 18 years old who are married.

At the place of residence	% Up to 15 years	% Up to 15 years
City	0.6	0.84
Village	0.1	15.7
By level of education		
Basic-general	0.6	30.3
Vocational secondary	0.0	6.0

Higher	0.0	2.6
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Today, there are laws in Kyrgyzstan (Article 175 of the Kyrgyz Republic Criminal Code), which prohibit marriages with minors according to civil and religious traditions (Kyrgyz Republic Ministry of Justice, 2021). The government pays special attention in the creation of educational campaigns that develop effective ways to solve the early marriages problem and their consequences. After introduction of new articles prohibiting marriages with children into the Criminal Code of Kyrgyzstan, an order was issued on the mandatory official registration of all marriages, including the nika muslim marriage (Kyrgyz Republic Ministry of Justice, 2017). Also, the Kyrgyz Republic Ministry of Education made a proposal to reform school education from 2023 year for transition to 12-year schooling. In our opinion, the new mechanism for increasing the period of study at school will contribute to an increase in the level of general education and vocational education. It is based on the comprehensive development of the individual, which will become an important factor for further freedom and right of choice of the individual, his independent successful formation.

As for the empowerment of women in the field of economic development, this issue has also become an important topic for discussion for sovereign Kyrgyzstan. This is considered as one of important conditions for elimination of discrimination against women in the economic sector of sovereign Kyrgyzstan. Economic empowerment allows women to control and benefit from resources, assets and income. The undeniable argument is that women make a huge contribution to the economy, whether in business, on the farm, as entrepreneurs, and even doing housework.

According to a comprehensive sample study of household budgets and labor resources, in 2019, the economically active population aged 15 years and over amounted to 2594.3 thousand people, of which 2452.1 thousand were employed and 197.2 thousand were unemployed. The proportion of women in the economically active population was 47 percent or 1083.3 thousand people. In 2021, the employment rate of able-bodied women was 49%. Today, for example, the level of economic activity for men is 75%, women activity is 50% (Gender-disaggregated statistics collection, 2017).

Gender segregation in the country by business sector has shown that men have a wide range of career choices and higher incomes. For the most part, "female" professions are such activities as health care, social services, education, hotels and restaurants, trade. Many people think that this is a stereotype that has developed in society, but this is actually true. It should be noted that even when doing business, a woman is not exempt from family responsibilities. These reasons prevent them from fully exercising their rights.

Men and women also have the same right to enter the public service. 46% of the government administrative service personnel of Kyrgyzstan are women and 54% are men. Of course, gender equality must be kept in mind when hiring. In accordance with paragraph 4 in Article 4 of the Kyrgyz Republic Law, Kyrgyz Republic citizens are provided with equal access to work, regardless of their gender, race, language, disability, nationality, religion or other affiliation (Kyrgyz Republic Ministry of Justice, 2003). Preferences are not granted; men and women have equal rights when entering the civil service.

The marginalization of women in the socio-political life and economy of the country weakens their rights and opportunities as participants in economic activity, exposes them to violence, the risk of industrial death, unregistered marriage (Gender-disaggregated statistics collection, 2017). The fact that a woman works in the public service does not mean that she is really actively involved in the work. More than 80% of men aged from 25 to 34 years old are employed, but only 40% of women in the same age group are employed. In 2021, women earned 5475 soms (monetary currency in Kyrgyzstan) less than men; women earned an average of 16525 soms per month, and men 21999 soms. Approximately for every 100 soms a man earns, a woman earns 72 soms.

We attribute all this to the fact that women often work in the social sector, where they are paid less than in other sectors. Women mainly work in education (79%), medicine and social services (78%), real estate (96%).

If we consider the sphere of the country's socio-political life, then here we can see that in Kyrgyz society and politics, we rarely meet women in high positions or in politics. As for the number of women in government and administrative bodies, here at the beginning of 2022 year the share of women holding political and special positions in the total number of civil servants was 28.4%, and men 72.6%. Among civil servants holding administrative positions, women account for 40.7%, and men for 59.3% (Gender-disaggregated statistics collection, 2017).

Table 2. Number of women in civil service in % at the beginning of 2021.

Part of the Kyrgyz Republic Central Election Commission and the Accounts Chamber	Civil servants	Municipal employees	In political and special services	Small business	Judges	In leadership positions	In the Ombudsman Office
32.3%	39%	37%	24%	30.5%	57%		49%

It should be noted that certain positive steps in implementation of the gender equality principles were made by creation of legal norms for protection of women's rights. Thus, the Kyrgyz Republic approved the UN Committee on the Elimination of Discrimination against Women (CEDAW) (Kyrgyz Republic Ministry of Justice, 2012a; United Nations, 1979) and adopted the National Strategy for Gender Equality (Kyrgyz Republic Ministry of Justice, 2008). The National Action Plan for Achieving Gender Equality in the Kyrgyz Republic for 2018 to 2020 years was adopted (Kyrgyz Republic Ministry of Justice, 2012b). Given the transformative potential of gender equality and women's empowerment, a two-pronged approach is needed when setting a gender goal.

The Kyrgyz Republic Ministry of Health and Social Development and International Alert organized an interdepartmental working group, experts, specialized agencies to develop drafts

of the National Strategy for Achieving Gender Equality in the Kyrgyz Republic until 2030 year and the National Plan for 2021 to 2023 years.

An interdepartmental working group established by the Ministry with the support of UN Women under the Ray of Light initiative is developing drafts of the National Strategy and the National Plan of the Kyrgyz Republic to achieve gender equality.

In January 2022, International Alert and the Government Commission for Religious Affairs of the Kyrgyz Republic held consultations on the inclusion of the needs of women and girls of religious communities in strategic documents discussed with the interfaith working group of the Decent Life project and civil society.

We would like to note that recently there have been active discussions about the principle of shared responsibility in the family and the recognition, value of work in the maintenance of the household, as well as ensuring the participation of women in the leadership of political, economic and public life, considering national conditions.

Despite the changes that have realized, society is concerned that women are still not given enough space in public and in political life, especially in positions related to decision-making at the level of legislative and executive power, local government and government representatives. The statistical data of our study regarding the Kyrgyz Republic development in recent years show unstable position of women in government. As a result, the government activities in creating mechanisms for ensuring and protecting gender equality can be assessed as established, but not comprehensive, one-way effectiveness. The key factors behind this assessment are:

- 1) inconsistency in the activities of government bodies, their weak relationship,
- 2) duplication and overlapping of competencies,
- 3) declaratives,
- 4) weak implementation of government policy on this issue, not supported by any government enforcement mechanism.

V. Conclusion

Summing up our work, we can conclude that in the context of sovereignization, in order to comprehensively address the problems of gender equality in Kyrgyzstan, it is necessary:

- 1) Introduce the concept of “gender approach”, “gender rights”, etc. into the discourse of power everywhere;
- 2) Expand interim measures of men and women equal rights principle on a non-discriminatory basis;
- 3) Create institutional structures to promote ideas of gender equality in the public masses, gradually minimizing the impact of gender stereotypes and belittling their role;
- 4) It is expedient to develop gender-responsive budgets in public bodies to ensure fair use of public resources;
- 5) To strengthen the institutions of civil society through the support of public organizations that are capable of qualitatively influencing the stereotyped legal consciousness of society by their presence.

All of above can guide to a number of conclusions:

– the equality principle in law is based on acts of international law, is a key and constitutionally fixed, refers to the legal status of a person, has universality due to its distribution to absolutely every subject of law, to absolutely every right and duty, the entire system of legislative regulation is recognized as its scope;

– the following components are recognized as components of this principle: universal equality before the law and the court; equality of human rights and freedoms, regardless of any given by nature and other similar properties; in addition, finally, gender equality.

Promoting gender equality contributes to a healthy society, from reducing poverty to improving people health and wellbeing. Equal access to education and achievement of gender justice are ensured by the systematic implementation of an educational policy that consider the gender aspects of education. Ensuring equal access to education and expanding opportunities for women to receive vocational training is a strategic direction in the policy of achieving gender equality in sovereign Kyrgyzstan. Undoubtedly, gender equality and women's opportunities for development of the Kyrgyz Republic as a democratic government will have a positive impact on transformation of society and the economy as a whole, which ensures security, rights and the law rule.

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